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TWITTER, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

In the Matter of a Subpoena to Non-party
Twitter, Inc.

AARON RICH

Plaintiff,

v.

EDWARD BUTOWSKY, MATTHEW
COUCH, AMERICA FIRST MEDIA,
and THE WASHINGTON TIMES,

Defendants.

Case No. 4:20-mc-80081-DMR

(D.C. Case No. 1:18-cv-00681-RJL)

**DECLARATION OF JULIE E.
SCHWARTZ IN SUPPORT OF
STIPULATION AND [PROPOSED]
ORDER EXTENDING TIME REGARDING
MOTION TO QUASH OR MODIFY
SUBPOENA**

Judge: Magistrate Judge Donna M. Ryu
Courtroom 4, 3rd Floor

1 I, Julie E. Schwartz, declare as follows:

2 1. I am over the age of 18. I am duly licensed to practice before the courts of the
3 State of California and this Court and am a partner at the law firm of Perkins Coie LLP, counsel
4 of record for Movant Non-Party Twitter, Inc. (“Twitter”) in this action. I have personal
5 knowledge of the facts below. If called and sworn as a witness, I could and would testify
6 competently thereto.

7 2. On April 30, 2020, Twitter filed a Motion to Quash or Modify Subpoena
8 (“Motion”) and setting a hearing date of June 4, 2020. Dkt. No. 1.

9 3. On May 14, 2020, Plaintiff Aaron Rich (“Plaintiff”) filed an Opposition to
10 Twitter’s Motion (“Opposition”). Dkt. No. 9.

11 4. Plaintiff filed two redacted documents as exhibits to his Opposition and redacted
12 portions of the Opposition reflecting information from those exhibits. *See* Dkt. No. 9-2; Dkt. No.
13 9-3. I understand that these two documents were produced by Edward Butowsky, Defendant in
14 Plaintiff’s underlying lawsuit in the District Court for the District of Columbia. I also understand
15 that Defendant Butowsky designated these two documents “Highly Confidential - Attorneys’
16 Eyes Only” pursuant to the Protective Order entered by the District Court for the District of
17 Columbia (the “Protective Order”) in the underlying action. *See id.*; *see also* Dkt. 9-6.

18 5. The Protective Order would require Twitter to sign a Declaration of Compliance in
19 order to view the unredacted versions of these two exhibits. *See* Dkt. 9-6 at 17. However,
20 Twitter will not agree to sign the Declaration of Compliance because it requires Twitter to agree
21 to submit to the jurisdiction of the District Court for the District of Columbia for purposes of
22 enforcement of the Protective Order. *See* Dkt. 10; *see also* Dkt. 9-6 at 17. Twitter believes that
23 any litigation relating to the Motion, including litigation regarding the Protective Order that
24 relates to Twitter, must occur in the Northern District of California, where Twitter’s Motion to
25 Quash was properly brought. *See* Dkt. 10; *see also* Fed. R. Civ. P. 45(d)(3)(A)(iii).

26 6. The Protective Order requires any modifications to be made in writing by the party
27 who produced and designated the confidential materials in question. *See* Dkt. 9-6 at 12. Because
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1 Defendant Butowsky produced the two documents at issue here, any modifications permitting
2 Twitter to view those documents must be made by Defendant Butowsky.

3 7. Twitter and Plaintiff have met and conferred and agreed to a one-week extension
4 of the deadline for Twitter's Reply to the Opposition and corresponding one-week extension of
5 the requested hearing date to no earlier than June 11, 2020 at 9:00 a.m. This extension would
6 provide time for Twitter to meet and confer with Defendants' counsel to discuss possible
7 modifications to the Protective Order, which would allow Twitter to view the two documents and
8 the redacted portions of the Opposition without submitting to a foreign court's jurisdiction.

9 8. There have been no previous time modifications in this case.

10 9. The requested time modification would extend Twitter's deadline for filing a reply
11 brief by one week, from May 21, 2020, to May 28, 2020. The Court has not yet scheduled a
12 hearing for this matter.

13 I declare under penalty of perjury under the laws of the United States of America that the
14 foregoing is true and correct.

15 Executed on May 20, 2020 at Palo Alto, California.

16 /s/ Julie E. Schwartz

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